



CANNON BUILDING  
861 SILVER LAKE BLVD., SUITE 203  
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE  
**DEPARTMENT OF STATE**

TELEPHONE: (302) 744-4500  
FAX: (302) 739-2711  
WEBSITE: WWW.DPR.DELAWARE.GOV

DIVISION OF PROFESSIONAL REGULATION

<b>PUBLIC MEETING MINUTES:</b>	<b>BOARD OF FUNERAL SERVICES</b>
<b>MEETING DATE AND TIME:</b>	<b>Wednesday, November 7, 2012, 9:30 a.m.</b>
<b>PLACE:</b>	861 Silver Lake Boulevard, Dover, Delaware <b>Conference Room B</b> , second floor of the Cannon Building
<b>MINUTES APPROVED:</b>	December 11, 2012

**MEMBERS PRESENT**

Chad Chandler, Professional Member, President  
Harry Fletcher, Professional Member, Secretary  
William Torbert, Professional Member  
Marceline Knox, Public Member

**MEMBERS ABSENT**

Robert O. Wright, Professional Member  
M.C. Byrd, Public Member  
Danna Levy, Public Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL**

Patricia Davis-Oliva, Deputy Attorney General  
Michele Howard, Administrative Specialist II

**OTHERS PRESENT**

None

**CALL TO ORDER**

Mr. Chandler called the meeting to order at 9:55 a.m.

Mr. Chandler made a motion, seconded by Mr. Fletcher, to amend the agenda to review the late audit submission of Matthew J. Genereux as item 5.5.30, and to remove Matthew J. Genereux under item 5.6.1. The motion carried unanimously.

**REVIEW AND APPROVAL OF MINUTES**

The Board reviewed the minutes of the September 25, 2012 meeting. Mr. Fletcher made a motion, seconded by Ms. Knox, to approve the minutes as presented. The motion carried unanimously.

**CONCLUSION OF RULES & REGULATIONS PUBLIC HEARING – 9:45 A.M.**

**BOARD PRESENT:** Chad Chandler, Harry Fletcher, William Torbert, Marceline Knox

**PUBLIC PRESENT:** None

**PURPOSE:** The Delaware Board of Funeral Services, pursuant to 24 **Del.C.** § 3105(a)(1), proposes to revise its regulations by removing the automatic approval of continuing education courses that are approved by other state licensing boards. The purpose of the change is to retain jurisdiction and closer review of continuing education credits that are accepted by the Board for licensees.

**PRESIDING:** Chad Chandler, President

**DIVISION STAFF:** Michele Howard, Administrative Specialist II

**BOARD COUNSEL:** Patricia Davis-Oliva, Deputy Attorney General

**COURT REPORTER:** n/a

This portion of the hearing began at 9:56 a.m. Ms. Davis-Oliva stated that no written public comment was received by the Board office. No public was present for comment. Ms. Davis-Oliva summarized the proposed amendments for the Board. The Board deliberated.

Mr. Torbert made a motion, seconded by Mr. Fletcher, to accept the change to the Rules and Regulations as presented. The motion carried unanimously. Ms. Davis-Oliva circulated the Board Order for signatures and stated that the rule change would be effective on December 11, 2012. The Board advised Ms. Howard to send a letter to Delaware State Funeral Directors Association and Delmarva Funeral Service Association notifying them of the change. The hearing concluded at 10:01 a.m.

**UNFINISHED BUSINESS**

**FUNERAL ESTABLISHMENT INSPECTIONS – SUBMIT BILL NEXT LEGISLATIVE SESSION (NO UPDATE)**  
**LEGISLATIVE MEMO FROM DPR DIRECTOR, JAMES COLLINS**

Ms. Davis-Oliva stated that there is nothing new to report; the Board's bill proposing to grant the Board the authority to inspect funeral establishments will be presented to the Division of Professional Regulation in November. Ms. Davis-Oliva stated that Mr. Collins asked Boards to present all bills to his office by the end of next week.

**NEW BUSINESS**

**RATIFICATION OF LICENSURE**

None

**REVIEW OF RESIDENT INTERN REPORTS**

None

**REVIEW OF APPLICATIONS FOR LICENSURE**

None

**REVIEW OF APPLICATIONS FOR CONTINUING EDUCATION APPROVAL**

None

**2010-2012 CONTINUING EDUCATION AUDIT – REVIEW ORIGINAL AUDIT SUBMISSIONS**

Mr. Chandler, Mr. Fletcher and Ms. Knox reviewed the audit submissions. Mr. Torbert stated that the following licensees passed the 2010-2012 Continuing Education audit: Patricia A. Jolley, Curtis S. Greer, Joseph S. Yasik, Christopher W. Feryo, Kelly A Pepper, Robert M. Timblin, Lewis Donald McKnatt, William T. Harra, Jr., S. Keith Parsell, William D. Zwicharowski, Ellen F. Bochanski, Christopher Schulze, Harvey C. Smith, Jr., Earl V. Nichols, Sr., Roman G. Coale, Bennie L. Smith, William Kirk Burbage, Karen Howell-McPherson, James E. Barranco, William J. Krienen, III, Melissa K. Harvey Blake, Robert O. Wright, John A. Cranston, and Charisse N. Woods.

**John M. Holloway**

Mr. Chandler reviewed the audit submission of John M. Holloway, and stated that Mr. Holloway submitted 11 CEUs for the Board's consideration. The Board accepted 7.0 CEUs. The Board questioned 1.0 CEU for a course taken on 2/10/11 titled, *Pre Need and Asset or Liability*, sponsored by Complete Benefit Solutions, Inc. The Board also questioned 3.0 CEUs for a course taken on 9/26/11 titled, *Fundamentals of Insurance of Ethics*, sponsored by Maryland Insurance Administration. Neither of these two courses have been previously approved by the Delaware Board nor approved by APFSP according to its website. After discussion, Ms. Knox made a motion, seconded by Mr. Torbert, to allow Mr. Holloway 30 days in which to submit proof to the Board that both courses were approved by APFSP or another state's funeral licensing Board. If Mr. Holloway fails to submit acceptable proof of course approvals by the deadline, he will be scheduled for a Rule to Show Cause hearing. The motion carried unanimously.

**Stephen L. Schaech**

Mr. Chandler reviewed the audit submission of Stephen L. Schaech, and stated that Mr. Schaech submitted 10 CEUs for the Board's consideration. The Board accepted 8.0 CEUs. The Board questioned 2.0 CEUs for a course taken on 9/22/11 titled, *Pre-Need Laws for Medicaid and Surrounding States*, sponsored by Delmarva Funeral Service Association, as this course has not been previously approved by the Delaware Board nor approved by APFSP according to its website. After discussion, Mr. Torbert made a motion, seconded by Ms. Knox, to allow Mr. Schaech 30 days in which to submit proof to the Board that the course was approved by APFSP or another state's funeral licensing Board. If Mr. Schaech fails to submit acceptable proof of the course approval by the deadline, he will be scheduled for a Rule to Show Cause hearing. The motion carried unanimously.

Chad H. Chandler

Mr. Chandler summarized his audit submission for the Board, and stated that he submitted 10 CEUs for the Board's consideration. Mr. Chandler stated that the Board accepted 8.0 of the CEUs submitted, and questioned 2.0 CEUs for a course taken on 3/22/12 titled, *Forensic Medicine Relation to Death Investigation, Toxicology, Controlled Substances, Arson, DNA*, sponsored by Delaware State Funeral Directors Association, as this course has not been previously approved by the Delaware Board nor approved by APFSP according to its website. After discussion, Mr. Fletcher made a motion, seconded by Ms. Knox, to allow Mr. Chandler 30 days in which to submit proof to the Board that the course was approved by APFSP or another state's funeral licensing Board. If Mr. Chandler fails to submit acceptable proof of the course approval by the deadline, he will be scheduled for a Rule to Show Cause hearing. The motion carried by majority with Mr. Chandler abstaining from the vote.

Gregory G. Kaznowsky

Mr. Chandler reviewed the audit submission of Gregory G. Kaznowsky, and stated that Mr. Kaznowsky submitted 10 CEUs for the Board's consideration. Mr. Chandler stated that the Board accepted 8.0 of the CEUs submitted by Mr. Kaznowsky. The Board questioned 2.0 CEUs for a course taken on 3/22/12 titled, *Forensic Medicine Relation to Death Investigation, Toxicology, Controlled Substances, Arson, DNA*, sponsored by Delaware State Funeral Directors Association, as this course has not been previously approved by the Delaware Board nor approved by APFSP according to its website. After discussion, Mr. Fletcher made a motion, seconded by Ms. Knox, to allow Mr. Kaznowsky 30 days in which to submit proof to the Board that the course was approved by APFSP or another state's funeral licensing Board. If Mr. Kaznowsky fails to submit acceptable proof of the course approval by the deadline, he will be scheduled for a Rule to Show Cause hearing. The motion carried unanimously.

Derrick E. Gore (extension request)

The Board reviewed the CE extension request of Derrick E. Gore to allow him to submit CE credits earned outside of the 2010-2012 licensure period for the Board's consideration. Ms. Davis-Oliva cited Board Rule 9.3.1, which states the following:

*9.3.1 The Board has the power to waive any part of the entire CE requirement for good cause if the licensee files a written request with the Board. For example, exemptions to the CE requirement may be granted due to health, military service or economic hardship. Application for exemption shall be made in writing to the Board by the applicant for renewal and must be received by the Board no later than 60 days prior to the license renewal date. The Board shall decide the merits of each individual case at a regularly scheduled meeting.*

After discussion, Mr. Fletcher made a motion, seconded by Mr. Torbert, to deny Mr. Gore's request for a CE extension based on Rule 9.3.1 and to refer him for a Rule to Show Cause hearing. The motion carried unanimously.

Matthew J. Genereux

Mr. Chandler reviewed the audit submission of Matthew J. Genereux, and stated that Mr. Genereux passed the Board's 2010-2012 Continuing Education audit. The Board noted that Mr. Genereux's audit submission was received five days late. However, the Board acknowledged that Hurricane Sandy could have delayed the timely receipt of mail. Ms. Knox made a motion, seconded by Mr. Torbert, to accept the late audit submission without penalty. Mr. Genereux passed the 2010-2012 Continuing Education audit. The motion carried unanimously.

2010-2012 CONTINUING EDUCATION AUDIT – LICENSEES WHO FAILED TO RESPOND

Raymond D. Johnson

Ms. Howard stated that Raymond Johnson has not responded to the Board's 2010-2012 Continuing Education audit notice. The deadline to respond was October 31, 2012. Ms. Howard stated that the audit notice mailed to Mr. Johnson was not returned to the Board office as undeliverable. After discussion, Mr. Fletcher made a motion, seconded by Mr. Torbert, to send a certified letter to Mr. Johnson notifying him that the Board did not receive his audit submission. Mr. Johnson will have 30 days from receipt of the letter to submit his audit

documentation to the Board. If he fails to submit acceptable documentation to the Board by the deadline, he will be scheduled for a Rule to Show Cause hearing. The motion carried unanimously.

### **COMPLAINT UPDATES AND CONSENT AGREEMENTS**

#### **COMPLAINT UPDATES**

Complaint 27-05-10 (Wright) Pending Hearing by DPR Hearing Officer

Complaint 27-17-12 New Complaint Assigned to Mr. Fletcher

Mr. Chandler read aloud the complaint updates as listed above.

#### **CONSENT AGREEMENTS**

Complaint 27-01-11 (Fletcher) Thomas Trader – Consider 2<sup>nd</sup> Proposed Consent Agreement

As the assigned Board Contact for Complaint 27-0-11, Mr. Fletcher was recused from the discussion. The Board tabled the review of the second proposed Consent Agreement for Thomas Trader until there are enough Members present to vote.

### **OTHER BUSINESS BEFORE THE BOARD** (for discussion only)

#### **2013 Meeting Schedule**

The Board reviewed the 2013 meeting schedule. There was no discussion.

Mr. Fletcher questioned, and Ms. Howard responded, regarding the term expiration dates of Board members. Ms. Howard stated that the terms of Mr. Wright, Mr. Torbert, Ms. Levy and Ms. Byrd had all expired, and they could all continue to “hold over” until the Governor’s office makes a decision regarding each member’s reappointment or replacement. Additionally, Mr. Fletcher’s final term will expire in February 2013 and Ms. Knox’s final term will expire in March 2013. The Board expressed its concern that Mr. Wright has not attended any meetings since March 2012. Mr. Torbert will contact the Governor’s office on the Board’s behalf regarding Board terms.

### **PUBLIC COMMENT**

None

### **NEXT MEETING**

The next Board meeting will be held on Tuesday, December 11, 2012, at 10:00 a.m. in Conference Room B located on the second floor of the Cannon Building at 861 Silver Lake Boulevard, Dover, Delaware.

Mr. Chandler stated that he would like to see full Board attendance at the December meeting so that the Consent Agreement for Thomas Trader may be considered. If there is not enough attendance at the December meeting in order to consider the Trader Consent Agreement, then a “special meeting” date will be scheduled for that purpose.

### **ADJOURNMENT**

There being no further business, Mr. Fletcher made a motion, seconded by Ms. Knox, to adjourn the meeting at 10:37 a.m. The motion to adjourn carried unanimously.

Respectfully submitted,



Michele Howard  
Administrative Specialist II

*The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.*